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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 D. LAMONTE HALEY,) NO. CV 11-6712-AG(E)
12 Plaintiff,)
13 v.) ORDER RE VOLUNTARY DISMISSAL
14 DOE(S) 1 AND 2,)
15 Defendants.)
16 _____)
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18 On October 20, 2011, Plaintiff filed a "Motion to Dismiss
19 Pursuant to Rule 41," requesting dismissal of the action without
20 prejudice. The Court construes this motion as a notice of voluntary
21 dismissal pursuant to Rule 41(a) of the Federal Rules of Civil
22 Procedure. Rule 41(a) permits a plaintiff to dismiss an action
23 voluntarily, without court order, by filing a notice of dismissal at
24 any time before service by an adverse party of an answer or a motion
25 for summary judgment. No defendant has filed any answer or motion
26 for summary judgment in this action. Therefore, under Rule 41(a)(1),
27 the action is deemed dismissed by operation of law. See Commercial
28 Space Management Co. v. Boeing Co., 193 F.3d 1074, 1078 (9th Cir.

1 1999) ("it is beyond debate that a dismissal under Rule 41(a)(1) is
2 effective on filing, no court order is required, the parties are left
3 as though no action had been brought, the defendant can't complain,
4 and the district court lacks jurisdiction to do anything about it").
5 This dismissal is without prejudice. See Fed. R. Civ. P. 41(a).

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7 DATED: October 25, 2011.

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11 ANDREW J. GUILFORD
12 UNITED STATES DISTRICT JUDGE

13 PRESENTED this 21st day
14 of October, 2011, by:

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16 _____/S/_____
17 CHARLES F. EICK
18 UNITED STATES MAGISTRATE JUDGE
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